

VZCZCXYZ0007
PP RUEHWEB

DE RUEHGV #1992/01 2341512
ZNY CCCCC ZZH
P 221512Z AUG 07
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC PRIORITY 4985
INFO RUEHZJ/HUMAN RIGHTS COUNCIL COLLECTIVE PRIORITY
RUCNDT/USMISSION USUN NEW YORK PRIORITY

C O N F I D E N T I A L GENEVA 001992

SIPDIS

SIPDIS

IO FOR SINGH, REES

E.O. 12958: DECL: 08/13/2017
TAGS: [PHUM](#) [UNHRC](#) [KUNR](#) [PREF](#) [UNHCR](#)
SUBJECT: DAS SINGH AND AMBASSADOR REES' GENEVA MEETINGS -
HUMAN RIGHTS

Classified By: AMBASSADOR WARREN W. TICHENOR, REASON 1.4 (b) (d).

¶1. (C) Summary: On an August 6-8 visit to Geneva, IO Deputy Assistant Secretary Singh and Special Representative for Social Issues Rees highlighted deep U.S. disappointment with the UN Human Rights Council and explored increasing the use of alternative fora, such as the UNGA Third Committee and the Office of the High Commissioner for Human Rights, to promote U.S. human rights interests. Most of their interlocutors expressed sympathy with U.S. frustration about the Council and the unhelpful events of June 18, but highlighted what they regard as the potential offered by the new UPR mechanism and the continued existence of the country mandate mechanism.

These interlocutors generally took the position that, despite its flaws, no other forum could replace the Council as a vehicle to promote and protect human rights. Almost all of these interlocutors expressed their feeling that deeper U.S. engagement could help to divert the Council from its current unpromising path. The Israeli Ambassador said he agreed with A/S Silverberg that the Council was worse than the Commission on Human Rights. Septel describes DAS Singh and Ambassador Rees, discussions on humanitarian, refugee and health issues as well as on U.S. employment in UN organizations. End Summary.

¶2. (SBU) IO DAS Manisha Singh and Special Representative for Social Issues Grover Joseph Rees visited Geneva August 6-8 for wide-ranging meetings on human rights issues (as well as on humanitarian, refugee, health issues and U.S. employment issues, discussed septel). On the human rights front, Singh and Rees met with Human Rights Council President Doru Costea, representatives of EU President Portugal, the UK, Netherlands, Poland, Canada, Australia, Japan and Israel, and representatives of Amnesty International, Human Rights Watch, Baha'i International and UN Watch. They also met with Deputy High Commissioner for Human Rights Kyung-wha Kang and other OHCHR staff.

Human Rights Council Engagement

¶3. (C) In their human rights meetings, DAS Singh and Ambassador Rees expressed deep U.S. unhappiness with the Council and explored the viability of increasing the use of alternative fora to pursue U.S. goals. Their diplomatic, OHCHR and NGO interlocutors appreciated the reasons for American frustration with the HRC, but most argued that this should not dissuade the U.S. from engagement with the Council. Canadian PermRep Paul Meyer urged the U.S. not to rush to judgment on the Council, noting that the Commission on Human Rights had existed for 60 years while the Council had only just begun. U.S. frustration with the permanent agenda item on Israel and with the loss of the Cuba and

Belarus mandates was understandable, Meyer observed, while noting that Israel's treatment was not unique to the Council, having been highlighted by many other UN bodies as well. Indeed, Meyer argued, the wording of the Council agenda item on the Occupied Palestinian Territories in theory permitted consideration of Palestinian violations, marking an improvement over previous language on this issue and thus offering some hope about the Council.

14. (C) Australian PermRep Caroline Millar shared Mayer's view that U.S. non-membership on the Council hampered efforts to promote human rights within the Council. According to Millar, U.S. membership might have precluded the corrosive EU-OIC negotiating dynamic that now dominated the body. U.S. non-membership did not just mean the loss of a single vote, but of critical diplomatic weight, Millar argued. Japanese Deputy PermRep Makio Miyagawa agreed, contending that although the U.S. intended to send a message about our disappointment with the Council by not seeking a Council seat, the main consequence was to give developing countries more latitude to "do bad things." Israeli Ambassador Levanon also stated that "Washington needed to take Geneva seriously because bad things can start here." He noted positively Assistant Secretary Silverberg's Senate Foreign Relations Committee testimony and agreed that the Council was worse than its predecessor.

15. (C) Dutch PermRep Boudewijn van Eenennaam, speaking in his personal capacity, argued that the U.S. would be best served by engaging with the Council. Acknowledging that views about the U.S. varied widely in the Council, with negative views prevailing, he stressed that the U.S. nonetheless continued to enjoy widespread respect and appreciation for doing "the heavy lifting." Therefore, he argued, most countries wanted the U.S. to engage. The U.S. could not compensate in other fora for HRC non-membership, he continued, given the widely

held belief that the Council was central on human rights issues.

16. (C) Council President Costea echoed that view. Noting that he had read A/S Silverberg's SFRC testimony, he voiced concern with lack of U.S. engagement in the Council. He observed that "everybody knows the potential, commitment and steadfastness of the U.S." on human rights. While he would respect whatever decision Washington made, he hoped it would continue to actively engage in the final stages of institution-building. Polish Deputy PermRep Andrzej Misztal, positing that over the past year the U.S. could have lobbied more actively in capitals on Council issues, also urged deeper U.S. engagement with that body. Ambassador Rees noted that the U.S. had already been deeply engaged.

17. (C) Several interlocutors pointed to the Universal Periodic Review (UPR) as a promising area for Council work. Costea opined that the Council was lucky to have a strong facilitator (Moroccan Ambassador Loulichki) to manage the process, and added that although UPR as currently constituted was "less rigorous than some of us wanted, it is more rigorous than others would have liked." He hoped the mechanism would produce early results, with the first reviews proving the merits of the arrangement itself and encouraging the next tranche of countries under review to admit their needs, and believed it could spark new country mandates.

18. (C) The OHCHR's Eric Tistounet, Secretary of the Council, also saw the UPR as important, although he stressed that it would have to be shepherded to ensure it proved a useful forum for discussion rather than a meaningless bureaucratic tool. Like Costea, he believed it could result in the return of some country mandates, which could be imposed on states that refused to cooperate when they came under review.

POST-MORTEM ON THE JUNE 18-19 MANEUVERING

19. (C) DAS Singh and Ambassador Rees expressed deep U.S. disappointment at both the process and outcome of the events

of June 18-19. Their interlocutors acknowledged that what had transpired was highly unsatisfactory, but argued that the alternative would have been worse. Portuguese First Secretary Joao Queiros, representing the EU Presidency, said

SIPDIS

the EU had supported the institution-building package because opening it would have led to a worse result, such as the loss of all the country-specific Special Procedures. DAS Singh urged the EU to focus on concrete results rather than making consensus a goal in and of itself.

¶10. (C) Costea, speaking in his capacity as Romanian PermRep, noted that Romania shared much of the U.S. assessment of the outcome of the institution-building package and how it had been reached. Romania had tried to find a solution to almost irreconcilable positions, but if the package had gone to a vote, "we would have lost." Instead, he said, "we chose the lesser evil."

¶11. (C) Ambassador Rees observed to Deputy High Commissioner for Human Rights Kang that OHCHR had damaged its standing to comment on free and fair elections by supporting the outcome of the June 18-19 procedural maneuvers. Had such maneuvers taken place in a national election, that country's democratic practices would have been roundly condemned, Rees stressed, whereas they were being justified with regard to the Council. Kang posited that High Commissioner Arbour had supported the package because the alternative would have been to have nothing to show for the Council's work over the previous year. Regarding the Israel agenda item, Kang observed that Israel had been a permanent item on the agenda of the Commission on Human Rights as well and that there was never any realistic chance that it would not appear on the Council agenda.

¶12. (C) Council Secretary Tistounet empathized with the U.S. view of the June 18-19 events, but argued that the Chinese proposal at the time, to require one-third of members to approve the tabling of a country resolution and two-thirds to pass it, would have killed country resolutions altogether. He highlighted the combustible atmosphere in the Council meeting room near midnight June 18, and argued that the tension was so high that he was "convinced we would have lost all country resolutions just to express anger against western countries."

¶13. (C) Describing the maneuvering of June 18-19, Polish DPR Misztal (please protect) blamed former Council President De Alba for the procedural sleight of hand which denied Canada,

Poland and the Czech Republic an opportunity to derail the package. Poland had recognized it was important to express its concern about the loss of the Belarus mandate, but was afraid that doing so would reopen negotiations on the package itself. In Misztal's view, "Canada's position was flexible at the end of June 18 because of Poland's position," in other words, the political cover offered by not being the lone hold-out had prevented Canada from taking a firm stand against the package earlier in the day (when, he implied, it might have made a difference). Misztal added that several delegations had been put in a difficult position, required to follow instructions from capitals but understanding more thoroughly than capitals the risk of creating a worse outcome. Several EU governments had approached the Polish FM, who was in Luxembourg June 18, to urge her to change her delegation's instructions. The Polish FM had shrugged off the pressure, in part, Misztal commented, because Poland was pursuing its agenda in negotiations on the EU constitutional treaty and needed to display its resolve before its EU partners.

PROSPECTS FOR WORK IN OTHER VENUES

¶14. (C) DAS Singh and Ambassador Rees also used their meetings to discuss other multilateral venues in which the U.S. could increase its human rights work, notably the Third

Committee and the Office of the High Commissioner for Human Rights. On the Third Committee, Queiros cautioned against trying to increase its use as a venue for pursuing country-specific resolutions. Many states that had historically supported country resolutions in Third Committee would no longer do so, since they would argue that the Council and the UPR should be given a chance to function instead. Queiros (and others) suggested that, since the climate in New York would be more challenging than ever, this was not the time to abandon the HRC in favor of the Third Committee.

¶15. (C) Costea commented that the relationship between the HRC and Third Committee was still unclear. According to UNGA Resolution 60/251, the HRC reported to the GA, but since Third Committee was an arm of the GA it was not clear that it should consider the Council report. Costea was inclined to repeat last year's procedure of sending the Council report to the UNGA plenary but seeking actual decisions from the Third Committee.

¶16. (C) As to increasing the role of OHCHR as a vehicle for promoting human rights, Costea observed that it was doing a great job within the constraints imposed by available resources but needed more funding given its increased responsibilities (including those imposed on it by the HRC). He also underlined that some Council members were pressing for Council oversight of OHCHR funding and priorities, which would have dangerous implications. Costea said the EU opposed such efforts.

¶17. (C) Deputy High Commissioner Kang expressed OHCHR's gratitude for U.S. support, which she hoped would develop further. OHCHR Head of Donor Relations Charles Radcliffe noted that OHCHR was not on target to receive the full doubling of the budget promised by the 2005 World Summit due to the ceiling on the UN budget imposed by the GA in 2006. OHCHR now expected to receive a 56% increase in its regular budget at the end of the second biennium rather than the 80% committed to in 2005. Radcliffe expressed appreciation for U.S. contributions to OHCHR, but noted that two-thirds of USG voluntary contributions were earmarked for the torture and technical cooperation funds. Removing these two humanitarian funds from the mix, the U.S. dropped from being OHCHR's largest donor to eighth place. Radcliffe described OHCHR as essentially just "a bank account" for those voluntary funds, and U.S. contributions to them were not applicable to the High Commissioner's priorities for OHCHR, which included beefing up field operations. Most field operations were funded from extra-budgetary contributions, which represented two-thirds of all funding to OHCHR. Kang and Radcliffe welcomed DAS Singh's interest in engaging fully with OHCHR and considering further support.

¶18. (C) Fabrizio Hochschild, head of OHCHR's Capacity Building and Field Operations Branch, thanked Singh and Rees for U.S. political and financial support, complaining that OHCHR had many false friends. He elaborated that High Commissioner Arbour was interested in building a firewall between OHCHR and the Council, and emphasized that any oversight of OHCHR should come from the GA, not the Council. This was particularly important, he argued, in terms of OHCHR

field operations. Hochschild noted that the UPR process would generate recommendations of technical cooperation which could potentially swamp OHCHR's capacity. Though pleased with the UPR outcome in the package, OHCHR worried about its own ability to meet expectations the system would generate.

¶19. (SBU) This cable was cleared by DAS Singh and Ambassador Rees.

Tichenor